

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W., SUITE 433
WASHINGTON, D.C. 20009
Telephone: (202) 671-0547
Fax: (202) 671-0658**

IN THE MATTER OF

William E. Brown, Jr., Treasurer
Biddle 2012
1215 Lamont Street, NW
Washington, D.C. 20010

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Date: December 5, 2014

Docket No.: 14R-056

ORDER

Statement of Case

This matter came before the Office of Campaign Finance (“OCF”) Office of the General Counsel following a determination by its Reports Analysis and Audit Division (“RAAD”) that pursuant to the District of Columbia Campaign Finance Act of 2011, D.C. Official Code § 1-1163.04(8) (2012) and the District of Columbia Municipal Regulations 3 DCMR § 3403.2, William E. Brown, Jr., Treasurer for Biddle 2012 principal campaign committee, failed to respond to RAAD’s audit notification letter dated September 30, 2014 by October 24, 2014, RAAD’s extended deadline.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated October 31, 2014 and November 17, 2014, OCF ordered William E. Brown, Jr. (“Respondent”) to appear at scheduled hearings on November 17, 2014 and December 3, 2014 and show cause why Biddle 2012 principal campaign committee should not be found in violation of the Campaign Finance Act of 2011 and 3 DCMR § 3403.2 and fined accordingly.

Summary of Evidence

On September 30, 2014, RAAD submitted, by regular mail, an audit notification letter to Respondent requesting that Respondent provide the committee’s financial records on October 14, 2014 to conduct a Periodic Random Audit for the reporting period reflected on the committee’s July 31, 2014 Report of Receipts and Expenditures (“July 31st R&E report”). A mailed copy of this notification letter was also submitted to Sekou Biddle, candidate for Biddle 2012 principal campaign committee.

On October 10, 2014, RAAD emailed Respondent and Mr. Biddle regarding the audit notification letter and provided the committee with an October 24, 2014 extended deadline to

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provide the requested financial documents. Respondent failed to provide the documents by the extended deadline.

On November 17, 2014, Mr. Biddle appeared to OCF and submitted copies of the committee's bank statements. A hearing was not held on November 17, 2014 due to a scheduling conflict.

On November 24, 2014, Respondent appeared to OCF and submitted a written notarized statement explaining the committee's failure to respond to RAAD's audit notification letter by the October 24, 2014 extended deadline. The notarized statement explained that Mr. Biddle had two family emergencies during the month of October 2014 and was unable to resolve RAAD's request by deadline.

Upon review of Mr. Biddle's submission, RAAD determined that the documents provided satisfied RAAD's audit notification letter dated September 30, 2014.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent is the Treasurer for Biddle 2012 principal campaign committee.
2. Sekou Biddle is the candidate for Biddle 2012 principal campaign committee.
3. Respondent was required to submit the committee's financial records pertaining to the committee's July 31st R&E report by the October 24, 2014 extended deadline as requested in RAAD's audit notification letter dated September 30, 2014.
4. By Notices of Hearing, Statements of Violation and Orders of Appearance dated October 31, 2014 and November 17, 2014, OCF ordered Respondent to appear for scheduled hearings on November 17, 2014 and December 3, 2014.
5. On November 17, 2014, Mr. Biddle appeared to OCF and submitted the committee's bank statements.
6. A hearing was not held on November 17, 2014 due to a scheduling conflict.
7. The requested documents were fifteen (15) days late.

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8. On November 24, 2014, Respondent appeared to OCF and submitted a written notarized statement explaining why the committee failed to timely respond to RAAD's audit notification letter.
9. Respondent provided a credible explanation for the committee's failure to timely respond to RAAD's audit notification letter given that Mr. Biddle had two family emergencies during same time the committee's financial documents were due and was not able to provide the documents by RAAD's extended deadline.
10. Respondent has provided good cause for suspension of a fine.
11. Respondent committee has satisfied RAAD's audit notification letter dated September 30, 2014.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code § 1-1163.04(8) and 3 DCMR § 3403.2.
2. D.C. Official Code § 1-1163.35(a)(3) and 3 DCMR § 3711.2(q) institutes a fine of fifty dollars (\$50.00) for failure to file additional information and the aggregate set of fines imposed may not exceed two thousand dollars (\$2,000.00).
3. Respondent may be fined a maximum penalty of \$750.00 for failure to file additional information.
4. For good cause shown pursuant to 3 DCMR § 3711.7, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent provided a credible explanation for the committee's failure to timely respond to RAAD's audit notification letter given that Mr. Biddle had two family emergencies during same time the committee's financial documents were due.
6. Respondent has provided good cause for suspension of a fine.
7. Respondent committee has satisfied RAAD's audit notification letter dated September 30, 2014.

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Recommendation

In view of the foregoing and information included in the record, **I HEREBY RECOMMEND** that the Director suspend a fine in this matter.

December 5, 2014
Date

Lesley Brown
Lesley Brown
Hearing Officer

Concurrence

In view of the foregoing, **I HEREBY CONCUR** with the Recommendation.

December 5, 2014
Date

William O. Sanford
William O. Sanford
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine is suspended in this matter.

December 5, 2014
Date

Cecily E. Collier-Montgomery
Cecily E. Collier-Montgomery
Director

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true copy of the **ORDER** was served on Treasurer William E. Brown, Jr. via regular mail at 1215 Lamont Street, NW, Washington, DC 20010, and by electronic mail at willamebrownjr@gmail.com on this 5th day of December 2014.

WB

Cc: Sekou Biddle
7605 13th Street, NW
Washington, DC 20012
Sekou.biddle@me.com

Notice

Any party adversely affected by an Order of the Director may: (1) file a Motion for Reconsideration (Motion) with the OCF within five (5) days after receipt of an Order, provided that relevant evidence was omitted from consideration at the hearing (3 DCMR § 3709.13); or (2) obtain review of the Order by filing a request for a **hearing de novo** with the Board of Elections within fifteen (15) days from the date of issuance of an Order. Any fine imposed by the Director, pursuant to § 3711.2 shall become effective on the sixteenth (16th) day following the issuance of a decision or Order; provided that, the Respondent does not request a **hearing de novo** with the Board of Elections. Fines imposed shall be paid within ten (10) days of the effective date of the issued Order of the Director. Make payment by check or money order payable to: District of Columbia Treasurer. Send payment to the *Office of Campaign Finance, Frank D. Reeves Municipal Building, 2000 14th Street NW, Suite 433, Washington, DC 20009.*